

### **REMARKS/ARGUMENTS**

Claims 1-25 and 27-31 are all the claims currently pending in the application. Based on the following remarks, Applicant requests reconsideration of the application and allowance of the claims.

#### **I. Rejection of Claims 1-25 and 27-31 Under 35 U.S.C. § 103**

The Examiner rejects claims 1-25 and 27-31 under 35 U.S.C. § 103(a) as being allegedly unpatentable over Crozier (U.S. Patent No. 5,701,423; hereinafter “Crozier”) in view of Norin et al. (U.S. Patent No. 5,794,253; hereinafter “Norin”).

Applicant again respectfully submits that the combination of Crozier and Norin does not teach or suggest all of the features of claim 1. As pointed out in the Amendment filed January 29, 2008, in contrast to claim 1, Crozier, either alone or in combination with Norin, at best, discloses “choosing corresponding records from ... two files, comparing the information of corresponding fields of these records, and allowing the user to decide how to change the data in one of the two files to bring them into agreement.” (Col. 3, lines 33-37 of Crozier) (emphasis added)

Claim 1 recites, *inter alia*, “determining a synchronization set by: ... “(ii) determining which, if any, information records have been added to or modified at the source dataset since the source dataset was last synchronized with the target dataset.” In rejecting claim 1, the Examiner suggests that the handheld computer 101 corresponds to the claimed information records of a source dataset residing on a first device and suggests that the desktop computer 115 corresponds to the claimed information records of a target dataset residing on a second device and relies on column 11, lines 62-67, column 12, lines 1-8 and FIG. 7 of Crozier as disclosing features of claim 1. (See pgs. 2-3 of the Office Action) Applicant again disagrees.

As pointed out in the Amendment filed January 29, 2008, the cited portion of Crozier, either alone or in combination with Norin, at best, explains that a “user is optionally notified during translation if any of the existing data in the desktop application” (alleged target dataset) “are different from the data in the handheld application” (alleged source dataset). The cited portion further merely explains that FIG. 7 shows a “screen display which allows the user to

decide what to do about conflicts” and explains that “[i]f a record exists in the desktop application” (alleged target dataset) “with the same Name, the data in each field in the desktop is compared with the data from the handheld” (alleged source dataset) and “if the data in any given field is different, the user may accept the update to the field, ignore it, or edit part or all of the incoming data in the record and write it to the desktop application’s” (alleged target dataset) “file.”

Applicant again submits that nowhere in the cited portion is there any mention, teaching or suggestion relating to determining which information records have been added to or modified at the handheld computer 101 (alleged source dataset) since the handheld computer 101 (alleged source dataset) was last synchronized with the desktop computer, (alleged target dataset) as required by claim 1. Instead, the cited portion specifically teaches away from “determining which, if any, information records have *been added to or modified* at the *source dataset* since the *source dataset* was last *synchronized* with the *target dataset*” given that Crozier, at best, discloses that the data in each field in the desktop” (alleged target dataset) is compared with the data from the handheld” (alleged source dataset). There simply is no mention, teaching or suggestion relating to any determination of information records that have been added to or modified at the handheld computer since the handheld computer 101 *was last synchronized* with the desktop computer 115, as required by claim 1. Crozier, is simply altogether silent regarding any determination of information records added or modified at the handheld computer since a last synchronization with the desktop computer. For instance, as pointed out in the Amendment filed January 29, 2008, column 12, lines 9-15 of Crozier explains that handheld computer data 109 may be compared with a desktop computer Database Manager 123 “which contains an earlier version of the data in the handheld computer.” (emphasis added) Existing data in one device that is compared to a previous version of data in another device is not tantamount to determining any information records that have been added to or modified at a source dataset since the source dataset *was last synchronized* with a target dataset, as claimed. In the *Response to Arguments* section, the Examiner asserts that Crozier discloses that “at the initial state, or after the last synchronization and before any change applied to the copies of data, both copies of data are the same.” (See pg. 13 of Office Action) Contrary to the Examiner’s assertion, column 12, lines 9-13 of Crozier (which describes Table 3) directly refutes the Examiner’s assertion by

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explaining that at an initial state the desktop computer 115 may have a version of data that is earlier than a version of data in the handheld computer 101, irrespective of any prior synchronization.

MPEP § 707.07(f) requires that “[w]here the [A]pplicant traverses any rejection, the [E]xaminer should, if he or she repeats the rejection, take note of the [A]pplicant’s argument and answer the substance of it.” In contrast to the requirements of MPEP § 707.07(f), the Examiner has not responded to the arguments set forth above and specifically at pages 8-9 of the Amendment filed on January 29, 2008. Rather, the Examiner merely repeats verbatim the same arguments cited in the *Response to Arguments* section on pages 12-13 of the prior Office Action dated November 28, 2007 without providing any additional substantive explanation whatsoever in response to the above arguments which were also set forth in the Amendment of January 29, 2008. Accordingly, the Examiner’s arguments remain rebutted, and independent claim 1 is allowable at least for reasons previously of record.

As pointed out in the Amendment filed January 29, 2008, even assuming *arguendo* that Crozier, either alone or in combination with Norin, discloses determining which records have been updated to or modified at the handheld computer, (alleged source dataset) it is not necessarily the case that this determination was made since a last synchronization with the desktop computer, (alleged target dataset) as required by claim 1. As noted above with respect to column 12, lines 9-15 of Crozier any comparison of records in the desktop computer and the handheld computer could be without regard to any previous synchronization of the handheld computer with the desktop computer. By the Examiner’s own admission in the *Response to Arguments* section, any comparison of fields in the desktop computer and the handheld computer could occur “at an initial state” which is without regard to any prior synchronization. (See pg. 13 of the Office Action) In fact, Crozier describes such a situation, as discussed above, by explaining that at an initial state the desktop computer 115 may have a version of data that is earlier than a version in the handheld computer 101, which is without regard to a prior synchronization.

Additionally, as pointed out in the Amendment filed January 29, 2008, Crozier, alone or in combination with Norin, fails to teach or suggest “based on said synchronization set, synchronizing information records of the source dataset with information records of the target

dataset by:” (i) using said globally unique identifiers, deleting from the target dataset any information records which have been previously transmitted to the target dataset but no longer exist at the source dataset. Rather, column 9, lines 10-11 and table 1 of Crozier cited by the Examiner, at best, discloses a portion of a pseudocode relating to “update [of a] desktop field table for [a] specified handheld field.” Nowhere in the cited portion or any portion of Crozier, alone or in combination with Norin, is there any teaching or suggestion relating to usage of record identifiers to delete from the desktop computer 115 (alleged target dataset) any information records that have been previously transmitted to the desktop computer 115 but no longer exists at the handheld computer 101 (alleged source dataset), as required by claim 1.

Instead, Crozier, at best, explains that “a user of a computer may dynamically reconcile” the information in “two files” (e.g., the handheld computer and the desktop computer) by “comparing the information of corresponding fields and allowing the user to decide how to change the data in one of the two files to bring them into agreement” and allows him to make decisions about whether to accept the new data, ignore it or change it.” (Col. 4, lines 63-67 & Col. 5, lines 39-42 of Crozier) (emphasis added)

Column 11, line 65 to column 12, line 1-6 of Crozier explains that the user is provided a screen which allows the user to decide what to do about conflicts and describes that “[i]f a record exists in the desktop application with the same Name, the data in each field in the desktop is compared with the data from the handheld” and “[i]f the data in any given field is different,” the user may accept the update to the field, ignore it, or edit part or all of the incoming data in the record and write it to the desktop application’s file.” Claim 1 recites “wherein *each information record* of the source dataset is assigned a globally unique identifier that is *independent of either of the devices*, for identifying ... each information record at both the source dataset and the target dataset.” As shown in FIG. 7 of Crozier, the “Key Field Name: Name” is used to determine if there is a conflict between the handheld device (alleged first device) and the desktop computer (alleged second device) and as such Crozier does not teach or suggest that each information record of the handheld computer 101 is assigned a unique record ID that is *independent of* either the handheld computer 101 or the desktop computer 115 for identifying each information record at the handheld computer 101 and the desktop computer 115, as required by claim 1. Moreover, there is no disclosure in Crozier relating to any record ID that is independent of the handheld

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computer or the desktop computer. Rather, Crozier, alone or in combination with Norin, at best, is entirely silent regarding assigning of records to be independent of either the handheld computer 101 or the desktop computer 115, as required by claim 1. In contrast to the requirements of MPEP 707.07(f), the Examiner has not responded to the Applicant's argument set forth above and specifically at pages 9 and 10 of the Amendment filed January 29, 2008. As such, Applicant submits that the combination of Crozier and Norin is deficient at least for these additional reasons previously of record.

Moreover, since Crozier, at best, discloses allowing the user to decide whether to change conflicting data stored in handheld computer and the desktop computer and given that the user may ignore the conflict, Crozier, alone or in combination with Norin, is incapable of teaching or suggesting usage of globally unique identifiers (or any type of identifiers) *to delete* from the desktop computer 115 (alleged target dataset) *any information records* which have been previously transmitted to the desktop computer (alleged target dataset) *but no longer exist* at the handheld computer, (alleged source dataset) as required by claim 1. All of the information records in Crozier which have been previously transmitted to the desktop computer but which no longer exist at the handheld computer are not deleted based on usage of identifiers, as claimed. Instead, as pointed out in the Amendment filed January 29, 2008, Crozier explains that "the final result may be to update some fields of the desktop records and not others." (Col. 12, lines 6-8) (emphasis added) Based on this explicit disclosure of Crozier, Crozier, alone or in combination with Norin, does not teach or suggest "deleting *any* information records which have been previously transmitted to the desktop computer (alleged target dataset) *but no longer exist* at the handheld computer, (alleged source dataset) as required by claim 1. In Crozier, any deletion of any record is based on a choice of the user in which case the user may elect not to delete a record as noted above whereas claim 1 requires deletion of information records at the target dataset which no longer exist at the source dataset.

Applicant again disagrees with the Examiner's assertion that Norin, alone or in combination with Crozier, discloses the claimed globally unique identifier. Nowhere in the cited portion (or any portion) of Norin (alone or in combination with Crozier), is there any mention, teaching or suggestion relating to usage of a "Globally Unique ID (GUID)" *to delete from a target dataset* any information records which have been previously transmitted to the target

dataset *but no longer exist* at the source dataset, and using a Globally Unique ID to update the target dataset so that the target dataset includes information records determined to have been added to or modified at the source dataset since the source dataset was last synchronized with the target dataset, as required by claim 1. In rejecting claim 1, the Examiner relies on column 9, lines 64-66 of Norin, in combination with Crozier, as disclosing the above feature of claim 1. Applicant disagrees. Rather the cited portion and indeed all of Norin, alone or in combination with Crozier, at best, explains that “the ability to distinguish one replica node from another ... involves generating a Globally Unique ID (GUID).” As such, Norin at best discloses that the “Globally Unique ID” therein is used to distinguish a replica node from another replica node and explains that “each replica node keeps a list of the” “data sets (data objects).” (Col. 9, lines 13-26 & 61-67 of Norin) Norin also explains that a replica node consists of a server, desktop computer, laptop or any other system where a copy of a data set or data set properties may reside and in which data objects are replicated. (Col. 4, lines 22-23 & Col. 8, lines 24-32 of Norin)

In view of the foregoing, the Globally Unique ID of Norin, at best, serves to identify replica nodes in a network system. Nowhere in Norin, alone or in combination with Crozier, is there any mention, teaching or suggestion relating to assigning GUIDs to any information records of a dataset stored on a device, as required by claim 1. A skilled artisan at the time of Applicant’s invention simply would not have been motivated to combine the GUID which is used to identify a replica node such as a server of Norin with any record identifier of Crozier, to identify any information record at both the handheld computer 101 (alleged source dataset) and the desktop computer 115 (alleged target dataset) and for updating and deleting information records at the desktop computer 115, as required by claim 1. There simply is no expressed or implied motivation, teaching or suggestion to do so in either Crozier or Norin. Contrary to the directive of MPEP 707.07(f), the Examiner has not responded to the Applicant’s argument set forth above and specifically at pages 10 and 11 of the Amendment filed January 29, 2008. As such, Applicant submits that the combination of Crozier and Norin is deficient at least for these additional reasons previously of record.

Applicant notes that because of the disparity between the Crozier and Norin references, the only possible motivation for the Examiner’s proposed combination is Applicant’s own disclosure, the reliance on which constitutes impermissible hindsight reconstruction under MPEP

§ 2143 (see also *In re Vaeck*, 20 USPQ 1438 (Fed. Cir. 1991)).

Based on at least the foregoing reasons, Applicant again submits that the combination of Crozier and Norin are deficient and do not teach or suggest all of the features of claim 1. Applicant therefore respectfully requests the Examiner to reconsider and withdraw the § 103(a) rejection of claim 1 and its dependent claims 2-20, and 31.

Since claim 21 contains features that are analogous to, though not necessarily coextensive with, the features recited in claim 1, Applicant submits that claim 21 and its dependent claims 22-25 and 27-30 are patentable at least for reasons analogous to those submitted for claim 1. Additionally, Applicant again submits that allowing a user to decide whether to change conflicting data stored in the handheld computer and the desktop computer and allowing the user to ignore the conflict (as at best disclosed by the combination Crozier and Norin) fails to teach or suggest a *means for* determining for each dataset information which has been previously received from the other dataset but which no longer exists at the other dataset, and” “*means for* determining for each dataset information which has been added or modified at the other dataset since the other dataset was last synchronized with said each dataset,” as claimed. (See *In re Bell*, 26 U.S.P.Q.2d 1529 (Fed. Cir. 1993)). The proper interpretation of the structure associated with the means elements of claim 21, is for example, the elements of FIGS. 4 and 5A which consist of devices or apparatuses. As such, Applicant again submits that a user making decisions simply does not teach or suggest any means for making determinations recited in claim 21. Accordingly, claim 21 and its dependent claims 22-25 and 27-30 are patentable at least for this additional reason. Applicant again notes that in contrast to the requirements of MPEP 707.07(f), the Examiner has not responded to the Applicant’s argument set forth above and specifically at page 11 of the Amendment filed January 29, 2008.

With further regard to claim 6, Applicant submits that Crozier alone or in combination with Norin fails to teach or suggest “wherein said globally unique identifiers are maintained in a record map stored apart from the source dataset,” as claimed. Additionally, in the *Response to Arguments* section, the Examiner asserts that “Norin teaches at Col. 10 lines [sic] 5-7 the ‘GUID is a unique 16 byte value created by concatenating a 60 bit system value, a 4 bit version number identifying which version of the ID generating program is used, a 16 bit clock sequence number that is incremented every time an ID is assigned, and a 48 bit network address drawn from the

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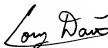
network hardware of the replica node.” Additionally, the Examiner relies on column 10, lines 5-7 of Norin which again relates to Globally Unique IDs (GUIDs) and Fast Unique IDs (FUIDs). The cited passage at best, explains that a FUID is used for a change number, not for an information record. Nothing in the Examiner’s comments, the cited passage or any other portion of Norin, alone or in combination with Crozier, describes where the GUID is kept and there certainly is no teaching or suggestion relating to any globally unique identifier that is maintained in a record map stored apart from a source dataset, as claimed. Information regarding a byte value of a GUID as set forth by the Examiner simply does not teach or suggest that a GUID is maintained in a record map stored apart from a source dataset, as required by claim 6. For at least this additional reason, claim 6 is independently patentable.

## **II. Conclusion**

In view of the foregoing remarks, Applicant respectfully submits that all of the claims of the present application are in condition for allowance. It is respectfully requested that a Notice of Allowance be issued in due course. Examiner Pham is encouraged to contact Applicant’s undersigned attorney to resolve any remaining issues in order to expedite examination of the present application.

It is not believed that extensions of time or fees for net addition of claims are required, beyond those that may otherwise be provided for in documents accompanying this paper. However, in the event that additional extensions of time are necessary to allow consideration of this paper, such extensions are hereby petitioned under 37 C.F.R. § 1.136(a), and any fee required therefore (including fees for net addition of claims) is hereby authorized to be charged to Deposit Account No. 16-0605.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Cory Davis", with a stylized flourish at the end.

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